

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CORTEZ DAUNDRE JONES,

Plaintiff,

v.

KING COUNTY SHERIFF, KING  
COUNTY COURTHOUSE, THE  
RESIDENCE AT RAINIER SQUARE, CITY  
OF SEATTLE, BRUCE HARRELL, and  
FIDELITY INVESTMENTS,

Defendants.

CASE NO. 2:23-cv-1150

ORDER DISMISSING CASE

Plaintiff Cortez Daundre Jones requested leave to proceed *in forma pauperis* against multiple Defendants including the King County Sheriff, King County Courthouse, the “Residence at Rainier Square,” City of Seattle, Bruce Harrell, and Fidelity Investments. Dkt. No. 1-1 at 2–3. Offering no specific details, Jones’s proposed complaint states he does “not have access [to] the income [he is] owed based on theft of multiple businesses and corporations in Washington State.” Dkt. No. 1-1 at 5. The Honorable Brian A. Tsuchida, United States Magistrate Judge for the District, issued a Report and Recommendation (“R&R”), recommending that the Court deny Jones’s IFP application because the information Jones presented shows he can afford to pay the filing fee here. Dkt. No. 4 at 2. Jones objected to the

1 R&R, providing the Court more detail about his financial situation. Dkt. No. 8. Jones also filed  
2 an “amended motion for leave to proceed *in forma pauperis*,” stating zero income and savings.  
3 Dkt. No. 7.

4 The Court has reviewed Jones’s proposed complaint, his IFP application, and the other  
5 files on record, and it finds Jones’s filings devoid of any factual or legal details demonstrating  
6 the basis for the Court’s jurisdiction or the plausibility of Jones’s claims for relief.

7 To start, the Court considers whether Jones has Article III standing to sue. The Court has  
8 an ongoing duty to ensure that it has jurisdiction over a plaintiff’s claims. *Leem v. Bank of Am.*  
9 *Home Loans*, No. C13-1517RSL, 2014 WL 897378, at \*1 (W.D. Wash. Mar. 6, 2014) (citing  
10 *Watkins v. Vital Pharm., Inc.*, 720 F.3d 1179, 1181 (9th Cir. 2013); Fed. R. Civ. P. 12(h)(3)); *see*  
11 *also Maya v. Centex Corp.*, 658 F.3d 1060, 1068 (9th Cir. 2011) (“the threshold question of  
12 whether plaintiff has standing (and the court has jurisdiction) is distinct from the merits of his  
13 claim.”); *Equity Lifestyle Prop., Inc. v. Cnty. of San Luis Obispo*, 548 F.3d 1184, 1189 n.10 (9th  
14 Cir. 2008) (“[t]he jurisdictional question of standing precedes, and does not require, analysis of  
15 the merits.”). The Court may raise the issue on its own accord, and “[i]f, at any time the Court  
16 determines that it lacks subject matter jurisdiction, the Court must dismiss the action.” *Leem*,  
17 2014 WL 897378, at \*1 (citing Fed.R.Civ.P. 12(h)(3). “Article III standing is an essential  
18 ingredient of subject matter jurisdiction.” *Perry v. Newsom*, 18 F.4th 622, 630 (9th Cir. 2021),  
19 *cert. denied sub nom. Hollingsworth v. Perry*, 143 S. Ct. 301, 214 L. Ed. 2d 131 (2022). For  
20 Article III standing, Jones must allege that (1) he has suffered a concrete injury in fact; (2)  
21 Defendants caused his alleged injury; and (3) “redressability,” that is, Jones’s requested relief  
22 will redress his alleged injury. *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 102–03  
23 (1998).

1 Here, Jones does not meet any factor demonstrating his standing to sue. Jones alleges  
2 Washington businesses and corporations have prevented him from accessing income because of  
3 “theft,” but nearly all the named Defendants are public entities or persons. The only business or  
4 corporation is Fidelity Investments. But Jones does not allege Fidelity Investments stole from  
5 him. Nor does he allege how any supposed theft has prevented him from accessing his income.  
6 Based on Jones’s vague assertions, it remains unclear how the alleged injury is traceable to  
7 Defendants. In sum, Jones’s complaint has failed to state a “case or controversy” to invoke this  
8 Court’s jurisdiction. *See Perry v. Newsom*, 18 F.4th at 630.

9 Second, even if he had standing, the Court still finds that it lacks subject matter  
10 jurisdiction. In his proposed complaint, Jones alleges the Court has federal question jurisdiction  
11 over this matter. He lists the specific federal statutes at issue as “insurance,” “marine,” “miller  
12 act,” “medicare act,” and “stockholders,” but he identifies no title or provision of law violated.  
13 Dkt. No. 1-1 at 3. Vague, ambiguous, or passing references to federal law in a complaint are not  
14 enough to support federal question jurisdiction. *Shelley’s Total Body Works v. City of Auburn*,  
15 No. C07-126P, 2007 WL 765205, at \*2 (W.D. Wash. Mar. 9, 2007).

16 Finally, when it comes to IFP complaints, the Court must dismiss the action “at any time  
17 if the court determines that ... [the complaint] fails to state a claim on which relief may be  
18 granted.” 28 U.S.C. § 1915(e)(2); *see Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir.  
19 2000) (“[S]ection 1915(e) not only permits but requires a district court to dismiss an [IFP]  
20 complaint that fails to state a claim.”). “The standard for determining whether a plaintiff has  
21 failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as  
22 the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” *Watson v.*  
23 *Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). Thus, the complaint “must contain sufficient factual  
24 matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*,

1 556 U.S. 662, 678 (2009) (internal citation omitted). This standard “does not require ‘detailed  
2 factual allegations,’ but it demands more than an unadorned, the-defendant-unlawfully-harmed-  
3 me accusation.” *Id.* (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

4 Jones’s complaint does not meet the *Twombly/Iqbal* pleading standard because it contains  
5 no factual details at all. Jones used the court’s pro se complaint template, which instructs would-  
6 be plaintiffs to “[w]rite a short and plain statement of the[ir] claim,” but Jones offers nothing to  
7 describe the factual basis for his claims. *See Tripathi v. First Nat’l Bank & Tr.*, 821 F.2d 1368,  
8 1370 (9th Cir. 1987) (“An in forma pauperis complaint is frivolous if ‘it had no arguable  
9 substance in law or fact.’”) (internal citation omitted). Thus, his complaint does not contain any  
10 factual basis demonstrating a plausible claim to relief.

11 Ordinarily, when a court dismisses a pro se plaintiff’s complaint for failure to state a  
12 claim, it must grant leave to amend even when no request to amend is made. *Yagman v. Garcetti*,  
13 852 F.3d 859, 863 (9th Cir. 2017). But leave to amend may be denied when bad faith or futility  
14 are found. *Id.* at 867; *see also Cal. Architectural Bldg. Prod. v. Franciscan Ceramics*, 818 F.2d  
15 1466, 1472 (9th Cir. 1988) (“Valid reasons for denying leave to amend include undue delay, bad  
16 faith, prejudice, and futility.”). At last count, Jones has filed over 60 lawsuits in the District since  
17 August 2, 2023. So many cases filed in such a short time supports a finding that Jones is  
18 advancing claims without merit and that leave to amend would be futile.

19 Accordingly, the Court DENIES Jones’s request to proceed IFP and DISMISSES his  
20 complaint without prejudice or leave to amend.

21 Dated this 10th day of October, 2023.

22 

23 Jamal N. Whitehead  
24 United States District Judge